



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** December 6, 2022

**Time:** 6:30 PM

**Location:** City Council Chamber, 375 Merrimack Street, 2nd Floor, Lowell, MA / Zoom (Hybrid)

### 1. ROLL CALL

Roll Call showed 11 present (C. Leahy via Zoom).

M. Chau presiding.

M. Mercier requested moment of silence in darkened chamber for Shaun McCarty. C. Drinkwater requested moment of silence in darkened chamber for Michael Netishen and Kelli Pepin. M. Chau requested moment of silence in darkened chamber for Brent Szarzynski.

### 2. MAYOR'S BUSINESS

#### 2.1. Communication Remote / Zoom Participation:

Meetings Will Be Held In Council Chamber With Public Welcome And By Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99). Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Issued Zoom Link To The Meeting. Email Address Is [MGEARY@LOWELLMA.GOV](mailto:MGEARY@LOWELLMA.GOV). If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting. For Zoom -

[HTTPS://SUPPORT.ZOOM.US/HC/EN-US/ARTICLES/201362193-JOINING-A-MEETING](https://support.zoom.us/hc/en-us/articles/201362193-joining-a-meeting)

In City Council, **Motion** "To accept and place on file" by C. Nuon, seconded by C. Robinson. So voted.

#### 2.2. Information - LHA Report Regarding Flooding. (Gary Wallace, Adam Garvey, Tha Chan)

In City Council, **Motion** "To accept and place on file" by C. Jenness, seconded by C. Mercier. So voted. Mr. Wallace provide report regarding residents evacuated from the housing units in the recent flood area. Manager Golden, Jr. commented on the efforts of the Lowell Housing Authority. Shawn Machado (Asst. City Manager) commented on the efforts of all parties involved with flooding and the aftermath. C. Yem noted the



effort all City departments and that a fund had been established to assist residents. C. Mercier commented on the LHA report and noted that all partners of the City came together during the flooding incident. C. Gitschier commented on the role of the DPW regarding public safety. C. Robinson noted it was a test for the administration which was handled properly. C. Nuon noted the team effort including efforts of non-government agencies. C. Jenness noted the City effort will continue to the finish. Yun – Ju Choi (Coalition for Better Acre) commented on their relief effort as well.

### **2.3. Citation - Elizabeth Cannon (Executive Director Of Lowell Association For The Blind).**

In City Council, **Motion** “To accept and place on file” by C. Mercier, seconded by C. Scott. So voted. M. Chau presented citation. Ms. Cannon addressed and thanked the Council. C. Mercier recognized Ms. Cannon and her efforts in the community.

## **3. CITY CLERK**

### **3.1. Minutes Of City Council Regular Meeting November 22nd; Zoning/Cannabis Control Joint SC November 29th; Housing/Zoning Joint SC November 29th, For Acceptance.**

In City Council, **Motion** “To accept and place on file” by C. Rourke, seconded by C. Yem. So voted.

## **4. GENERAL PUBLIC HEARINGS**

### **4.1. Vote - Adopt MRF Vote FY23.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. Speaking in favor was Ellen Brideau (Assessor). No Remonstrants. **Motion** to adopt by C. Scott, seconded by C. Yem. Adopted by Roll Call vote 11 yeas. So voted. C. Yem stated he was in favor of proposed shift as it takes away from residential amount. C. Gitschier questioned time frame needed for approval and that information should be provided to Council so that there is time to evaluate it. Conor Baldwin (CFO) noted public hearing was advertised for today and outlined the process regarding MRF. Ms. Brideau commented on time frame of gathering information to establish the shift. C. Nuon noted the shift away from residential taxes and further noted increase of tax at time of budget. Mr. Baldwin noted that increase was budgeted for and now the shift needs to be voted on by Council as well. M. Chau noted the percentage amount of shift as 0.892045.

### **4.2. Ordinance - Amend Ch. 266-43 Special Speed Regulations - 25mph.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Rourke, seconded by C. Leahy. Adopted by Roll Call vote 11 yeas. So voted. C. Jenness noted it would increase safety on streets and that there must be a proper roll-out and proper enforcement. C. Nuon commented on importance of outreach and enforcement. C. Yem noted the need to invest in proper signage. C. Robinson commented on the effectiveness of lighted signs.



#### **4.3. Ordinance - Create Position Facilities And Infrastructure Project Manager.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Drinkwater, seconded by C. Rourke. Adopted by Roll Call vote 11 yeas. So voted. C. Gitschier questioned reasons for part time as opposed to full time and further questioned the scope of duties for the position. Manager Golden, Jr. noted there was no response for full time and that the position will oversee many projects in the City. C. Gitschier noted that in the long run it could save costs on future projects that would not need an OPM as part of a bid proposal. C. Jenness questioned why there was a fixed salary. Manager Golden, Jr. responded that it was done in that manner as it is a part time position.

### **5. COMMUNICATIONS FROM CITY MANAGER**

#### **5.1. Motion Responses.**

In City Council, **Motion** "To accept and place on file" by C. Leahy, seconded by C. Scott. So voted.

**A) Motion Response - Homelessness Summit** – C. Jenness noted need for recommendations for best practices in this area. C. Scott lauded on the efforts of the Health Department. C. Gitschier noted coalition could solve similar issues and that efforts for State funding is present and that neighboring communities should be involved with solutions as well. C. Robinson noted it was an initial step and that the coalition should include all partners of the City. **Motion** by C. Nuon, seconded by C. Robinson to take Item #11.6 out of order. So voted. Manager Golden, Jr. noted meeting with State delegation as well as other entities.

**B) Motion Response - Boards and Commission** – C. Jenness noted outreach needed to ensure diverse membership. C. Gitschier commented on moving on vacant positions. Manager Golden, Jr. noted vacant positions can be move on first.

**C) Motion Response - Lawrence Street** – M. Chau noted the effort to increase safety in the area.

**D) Motion Response - Barker and Billings Streets** – C. Robinson noted residents were pleased with the changes.

**E) Motion Response - Merrimack and Worthen Streets** – C. Gitschier noted the area is full of pedestrians and that there needs to be safe crossings. C. Jenness noted pedestrians have been struck in the area and it must be improved.

**F) Motion Response - Westford and Stedman Streets** – C. Gitschier noted project must get to design phase to move forward. C. Nuon requested time line for design phase. Yovani Baez-Rose (DPD) noted in process of procuring a vendor as the funding is available.

**G) Motion Response - Master Plan Update** – C. Nuon noted plan was moving in the



right direction. C. Yem questioned when final plan would be in place. Ms. Baez-Rose indicated that there would be about one year of outreach.

## **5.2. Informational Reports**

**Informational Report - Bowers and Fletcher** – Elizabeth Oltman (Transportation Engineer) noted the area was a high accident area and that safety needs to be improved. Ms. Oltman outlined measures that would be done and the time frame to do them. C. Mercier noted the action to be taken in accordance with the report. C. Jenness noted the intersection was deficient and needs improvement. C. Yem noted this dangerous area needs safety improvements.

**Informational Report - FY23 Lowell MRF Hearing Presentation** – Matter presented under Item #4.1.

## **6. VOTES FROM THE CITY MANAGER**

### **6.1. Vote - Approve Exemption Of Ryan Underwood MGL C.268A S.20.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Gitschier, seconded by C. Jenness. Adopted per Roll Call vote 11 yeas. So voted.

### **6.2. Vote - Emergency Expenditure Authorization.**

In City Council, Read twice, full reading waived with no objections. **Motion** to refer matter to Finance SC by C. Jenness, seconded by C. Gitschier. So voted. C. Jenness noted that the request is too open ended and that there should be added information before moving forward. Mr. Baldwin noted the vote was safeguard in case amount was over current appropriations. C. Gitschier noted use of current funds may cover costs. Mr. Baldwin noted no objections to referral to Finance SC. C. Drinkwater noted referral does not prevent funding costs associated with the flooding. C. Rourke noted any action should be done quickly. C. Jenness noted that there needs to be a declaration of an emergency to allow vote. Manager Golden, Jr. noted such language is in the vote.

### **6.3. Vote - Transfer \$2,834,616.17 – Parking.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Drinkwater, seconded by C. Gitschier. Adopted per Roll Call vote 11 yeas. So voted. C. Jenness noted that recommendations of the 2021 parking study should be implemented to bolster the Parking Enterprise Fund. Manager Golden, Jr. noted that contracts regarding kiosks are close to being executed as they are in final law review. C. Jenness questioned what can be done immediately to ease financial burden. C. Robinson indicated they must stop bleeding and that all options should be on table including privatization. C. Scott noted the lack of revenue and that there must be recommendations to increase it. C. Drinkwater noted free cash will cover this transfer. Mr. Baldwin commented on the State certification of free cash as to using the ARPA funds. Manager Golden, Jr. noted cash input will enable full review of the enterprise in moving forward. C. Rourke commented on prior parking proposals. Mr. Baldwin commented on prior proposals indicating the 2021 report contains most useful



information. **Motion** by C. Rourke, seconded by C. Robinson to request Manager and Parking Director prepare presentation before Finance SC outlining steps regarding financially moving the enterprise forward. So voted. C. Gitschier questioned staffing being used. Terry Ryan (Parking Director) outlined staffing needs and attempts to fill them. C. Gitschier noted lack of staffing leads to lack of revenue and all available bodies should be on street. C. Gitschier noted need to update any agreements with outside entities. C. Gitschier noted prior year deficit and current projections were not accounted for properly. C. Gitschier noted need to resolve the deficit. Mr. Baldwin noted the need to adjust rates and change discounts throughout the entire system. Mr. Baldwin noted Finance SC would be proper venue to discuss those changes. C. Gitschier questioned status of current kiosks. Mr. Ryan indicated that they cannot be fixed and that new kiosks will assist with flexible increases. M. Chau requested wish of body end discussion on floor and continue it in subcommittee. Motion by C. Gitschier, seconded by C. Jenness to continue discussion. Adopted per Roll Call vote 11 yeas. So voted. C. Mercier questioned City ownership of garages and that City can get tax revenue from private garages. C. Yem suggested review of other communities and how they handle parking revenue. C. Rourke noted that there has been a substantial increase in fine collection. C. Scott requested data from other communities to be before the Finance SC. C. Jenness noted that downtown residents need discounts in parking to afford staying in place.

## **7. ORDERS FROM THE CITY MANAGER**

### **7.1. Order - 60 Day Trial.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Yem, seconded by C. Nuon. Adopted per Roll Call vote 11 yeas. So voted.

## **8. ORDINANCES FROM THE CITY MANAGER**

### **8.1. Ordinance - Create Position ARPA Administrative Assistant.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on December 20, 2022 at 7 PM by C. Nuon, seconded by C. Robinson. So voted. C. Gitschier questioned if position would be open after grants end. Brendon Flynn (ARPA Mgr.) noted the position would cease without grant funding. C. Robinson noted need for the position as there are many ARPA projects. C. Nuon questioned oversight of the position. Mr. Baldwin commented on other positions spending ARPA money. C. Gitschier questioned reimbursement formula for ARPA. Mr. Baldwin commented on the formula.

### **8.2. Ordinance - Create Position ARPA Grant Fiscal Coordinator.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on December 20, 2022 at 7 PM by C. Yem, seconded by C. Scott. So voted.

## **9. REPORTS (SUB/COMMITTEE, IF ANY)**

### **9.1. Subcommittee Reports:**

#### **1) Zoning/Cannabis Control Joint SC 11/29/22.**





In City Council, C. Drinkwater provided report outlining attendance and discussion of cannabis distribution throughout the City. C. Drinkwater outlined the State regulations and noted that delivery would be available only on established zoning districts. C. Drinkwater noted motion was supported for Law Department to draft ordinance allowing cannabis delivery in the City. **Motion** to accept the report as a report of progress and adopt motions by C. Jenness, seconded by C. Mercier. So voted.

## **2) Housing/Zoning Joint SC 11/29/22.**

In City Council, C. Drinkwater provided report outlining attendance and discussion of mixed use zoning in downtown which included recommendations to enhance development. C. Yem noted motion was adopted to accept the recommendations by the subcommittee. C. Jenness noted they were smart targeted zoning changes. **Motion** to accept the report as a report of progress and adopt the motions by C. Yem, seconded by C. Jenness. So voted.

## **3) Municipal Facilities Joint with School Committee Facilities SC 12/6/22.**

In City Council, C. Leahy requested to provide report at next Council Meeting on December 13, 2022.

## **10. PETITIONS**

### **10.1. Claims - (2) Property Damage.**

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Leahy, seconded by C. Rourke. So voted.

### **10.2. Misc. - Paul Cooling Request Installation Of Handicap Parking Sign At 353 Lincoln Street.**

In City Council, **Motion** to refer to Traffic Engineer for report and recommendation by C. Scott, seconded by C. Nuon. So voted.

### **10.3. Boston Gas D/B/A National Grid - Request Replacement Of 2,230 Feet Of Gas Main On Wellesley Avenue, W. Albert Street, Walton Street And Preston Street.**

In City Council, Given 1<sup>st</sup> Reading. **Motion** to refer to Public Hearing on December 20, 2022 at 7 PM by C. Gitschier, seconded by C. Drinkwater. So voted.

## **11. CITY COUNCIL - MOTIONS**

### **11.1. C. Scott/C. Rourke - Req. City Mgr. Develop A Water Gate Inspection Program Within The City Budget.**

In City Council, no second needed, referred to City Manager. So voted. C. Scott noted need for inspection plan. C. Gitschier commented on the current procedure.



**11.2. C. Scott/C. Rourke - Req. City Mgr. Provide A Report Evaluating The Effectiveness Of Our Emergency Response Plan In Light Of The Recent Emergency And Plans To Update Any Needed Improvements.**

In City Council, no second needed, referred to City Manager. So voted. C. Rourke commented the opportunity to learn from the situation. C. Scott noted you should always look to improve.

**11.3. C. Nuon - Req. City Mgr. Have Appropriate Department Apply For The Massachusetts Broadband Institute's "Municipal Digital Equity Planning Program" To Assess Internet Access Needs In Lowell And Learn How To Develop A Plan And To Submit Grant Proposals For State And Federal Programs.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted.

**11.4. C. Nuon - Req. City Mgr. Have Appropriate Department Update Council On The City Emergency Management Plan.**

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Nuon noted plan may be dated and in need of an update. C. Nuon noted need to learn what was done right and what was done wrong. C. Nuon noted the Public Safety SC should be involved with updates.

**11.5. C. Nuon - Req. City Mgr. Have DPD Update Council On The Complete Streets Prioritization Plan.**

In City Council, seconded by C. Jenness, referred to City Manager. So voted.

**11.6. C. Nuon - Req. City Mgr. Have Appropriate Department Work With Volunteers To Raise Approximately 7 Thousand Dollars To Acquire And Erect A "Demonstration Cabin" To Show What Can Be Done To Shelter The Unhoused During Severe Winter Weather.**

In City Council, seconded by C. Mercier, referred to City Manager. Adopted per Roll Call vote 10 yeas, 1 nay (C. Rourke). So voted. Registered speaker, Paul Gaudet, addressed the body. C. Nuon recognized the speaker and noted the need to educate public. C. Robinson noted program is in other communities but voiced his concern of structure being placed on public land which would be difficult to support. C. Scott noted concern and was not sure of the Council role in this matter. C. Nuon noted motion was not seeking a location but it would just be a demonstration for the public. C. Rourke noted it was not part of the role of Council but plan should go through proper process. C. Drinkwater noted it was a creative approach and referenced the Shattuck Hospital project as being successful. C. Gitschier noted plan should be developed to see where it goes. C. Jenness noted it was an opportunity to try something different and that it could be made to be successful. M. Chau noted it was only a demonstration model. C. Rourke noted City Hall location would be a mistake. C. Robinson questioned where it



would be located. C. Nuon noted it is addressing issue in the community with no tax dollars. C. Mercier noted it was a creative approach. M. Chau commented that money needs to be raised and move on from there.

**11.7. C. Robinson - Req. City Mgr. Provide A Means To Increase LPD Foot Patrol In The Area Of Lou's Deli On Middlesex Street, As Well As, Provide What Is The City's Plan To Assist Businesses Due To Potential Increase In Unhoused In This Business Area.**

In City Council, seconded by C. Mercier, referred to City Manager. So voted. C. Robinson noted businesses in this neighborhoods are prone to vandalism and need assistance. C. Jenness noted need for added resources to address issues. C. Rourke noted need for assistance is supplying resources.

**11.8. C. Jenness - Req. City Mgr. Have The Proper Department Provide Report On Progress Of Implementation Of The Winter Protocol Plan For Individuals And Families Experiencing Homelessness Within The City.**

In City Council, seconded by C. Yem, referred to City Manager. So voted.

**11.9. C. Drinkwater - Req. City Council Vote On An Amendment To The Special Legislation Regarding Transfer Of Ownership Of LeLacheur Park, To Ensure That The Wage And Hour Laws Of The Commonwealth Shall Apply, And Further Request The City Manager Submit The Amendment To The General Court; Amended Language As Follows, In Section 3, Following The Words "Civic Stadium"; "Provided Further, That Sections 26 To 27H, Inclusive, Of Chapter 149 Of The General Laws Shall Apply To All Construction, Reconstruction, Installation, Demolition, Maintenance And Repair."**

In City Council, seconded by C. Robinson, referred to City Manager. So voted. C. Drinkwater noted language after vote was taken which needed correction to ensure fair wages. C. Drinkwater noted meeting with City and State administration noting the support of prevailing wage regulations and was comfortable with that.

**12. ANNOUNCEMENTS**

In City Council, C. Gitschier lauded outside organization assistance with recent flooding. C. Mercier noted upcoming Salvation Army Radiothon. Manager Golden, Jr. recognized upcoming City Hall Open House.





### 13. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Gitschier, seconded by C. Rourke. So voted.

Meeting adjourned at 9:55 PM.

---

Michael Q. Geary, City Clerk